
SECOND SUBSTITUTE HOUSE BILL 2220

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Elliot, Schoesler, Hickel, Thompson, McMorris and McMahan)

Read first time 02/05/96.

1 AN ACT Relating to allowing schools to receive waivers from state
2 laws, rules, and school district policies and procedures; amending RCW
3 28A.150.220; adding new sections to chapter 28A.320 RCW; adding a new
4 section to chapter 28A.150 RCW; adding a new section to chapter 28A.155
5 RCW; adding a new section to chapter 28A.165 RCW; adding a new section
6 to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW;
7 adding a new section to chapter 28A.185 RCW; adding a new section to
8 chapter 28A.210 RCW; adding a new section to chapter 28A.220 RCW;
9 adding a new section to chapter 28A.225 RCW; adding a new section to
10 chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW;
11 adding a new section to chapter 28A.300 RCW; adding a new section to
12 chapter 28A.305 RCW; adding a new section to chapter 28A.330 RCW;
13 adding a new section to chapter 28A.400 RCW; adding a new section to
14 chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW;
15 adding a new section to chapter 28A.600 RCW; adding a new section to
16 chapter 28A.605 RCW; adding a new section to chapter 28A.640 RCW;
17 creating a new section; repealing RCW 28A.305.140, 28A.305.145, and
18 28A.630.945; and providing a contingent expiration date.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) The board of directors of each school district may grant
4 waivers, or partial waivers, of state laws and rules and of school
5 district policies and procedures to schools within the district in
6 accordance with this section.

7 (2) To apply for waivers, a school principal, in consultation with
8 school staff and parents, shall prepare an application to the board of
9 directors that identifies which laws, rules, policies, and procedures
10 are being requested to be waived and the rationale for requesting the
11 waivers.

12 (3) The school board shall provide for public review and comment
13 regarding the waiver request.

14 (4) The duration, renewal, and rescission of the waivers shall be
15 determined by the school district board of directors.

16 (5) The following may not be waived:

17 (a) Laws and rules pertaining to health, safety, and civil rights;

18 (b) The assessment, accountability, and reporting requirements in
19 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
20 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
21 standardized test; RCW 28A.400.200, salaries and compensation for
22 employees; RCW 28A.630.885, assessment requirements; and RCW
23 28A.320.205, the annual performance report; and

24 (c) State and federal financial reporting and auditing
25 requirements.

26 (6) The granting of waivers by school district boards of directors
27 as authorized in this section shall not be subject to collective
28 bargaining.

29 (7) School district boards of directors shall transmit to the
30 superintendent of public instruction and the state board of education
31 a list of laws and rules that have been waived in accordance with this
32 section. The superintendent of public instruction and state board of
33 education shall review the waivers of state laws and rules within their
34 respective jurisdictions. The waivers shall be approved by the
35 superintendent of public instruction or the state board of education,
36 as appropriate, if the school district board of directors complied with
37 the requirements of this section. The superintendent or state board,
38 as appropriate, shall approve or deny the waiver request, in whole or
39 in part, within thirty calendar days of receiving the list of waivers.

1 The state board may delegate the responsibility for reviewing and
2 approving or denying the waivers to its staff if an appeal procedure to
3 the board is provided.

4 (8) The superintendent and state board of education shall report to
5 the legislature by December 1, 1999, the laws and rules that have been
6 waived in accordance with this section.

7 **Sec. 2.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
8 as follows:

9 (1) For the purposes of this section and RCW 28A.150.250 and
10 28A.150.260:

11 (a) The term "total program hour offering" shall mean those hours
12 when students are provided the opportunity to engage in educational
13 activity planned by and under the direction of school district staff,
14 as directed by the administration and board of directors of the
15 district, inclusive of intermissions for class changes, recess and
16 teacher/parent-guardian conferences which are planned and scheduled by
17 the district for the purpose of discussing students' educational needs
18 or progress, and exclusive of time actually spent for meals.

19 (b) "Instruction in work skills" shall include instruction in one
20 or more of the following areas: Industrial arts, home and family life
21 education, business and office education, distributive education,
22 agricultural education, health occupations education, vocational
23 education, trade and industrial education, technical education and
24 career education.

25 (2) Satisfaction of the basic education goal identified in RCW
26 28A.150.210 shall be considered to be implemented by the following
27 program requirements:

28 (a) Each school district shall make available to students in
29 kindergarten at least a total program offering of four hundred fifty
30 hours. The program shall include reading, arithmetic, language skills
31 and such other subjects and such activities as the school district
32 shall determine to be appropriate for the education of the school
33 district's students enrolled in such program;

34 (b) Each school district shall make available to students in grades
35 one through three, at least a total program hour offering of two
36 thousand seven hundred hours. A minimum of ninety-five percent of the
37 total program hour offerings shall be in the basic skills areas of
38 reading/language arts (which may include languages other than English,

1 including American Indian languages), mathematics, social studies,
2 science, music, art, health and physical education. The remaining five
3 percent of the total program hour offerings may include such subjects
4 and activities as the school district shall determine to be appropriate
5 for the education of the school district's students in such grades;

6 (c) Each school district shall make available to students in grades
7 four through six at least a total program hour offering of two thousand
8 nine hundred seventy hours. A minimum of ninety percent of the total
9 program hour offerings shall be in the basic skills areas of reading/
10 language arts (which may include languages other than English,
11 including American Indian languages), mathematics, social studies,
12 science, music, art, health and physical education. The remaining ten
13 percent of the total program hour offerings may include such subjects
14 and activities as the school district shall determine to be appropriate
15 for the education of the school district's students in such grades;

16 (d) Each school district shall make available to students in grades
17 seven through eight, at least a total program hour offering of one
18 thousand nine hundred eighty hours. A minimum of eighty-five percent
19 of the total program hour offerings shall be in the basic skills areas
20 of reading/language arts (which may include languages other than
21 English, including American Indian languages), mathematics, social
22 studies, science, music, art, health and physical education. A minimum
23 of ten percent of the total program hour offerings shall be in the area
24 of work skills. The remaining five percent of the total program hour
25 offerings may include such subjects and activities as the school
26 district shall determine to be appropriate for the education of the
27 school district's students in such grades;

28 (e) Each school district shall make available to students in grades
29 nine through twelve at least a total program hour offering of four
30 thousand three hundred twenty hours. A minimum of sixty percent of the
31 total program hour offerings shall be in the basic skills areas of
32 language arts, languages other than English, which may be American
33 Indian languages, mathematics, social studies, science, music, art,
34 health and physical education. A minimum of twenty percent of the
35 total program hour offerings shall be in the area of work skills. The
36 remaining twenty percent of the total program hour offerings may
37 include traffic safety or such subjects and activities as the school
38 district shall determine to be appropriate for the education of the
39 school district's students in such grades, with not less than one-half

1 thereof in basic skills and/or work skills: PROVIDED, That each school
2 district shall have the option of including grade nine within the
3 program hour offering requirements of grades seven and eight so long as
4 such requirements for grades seven through nine are increased to two
5 thousand nine hundred seventy hours and such requirements for grades
6 ten through twelve are decreased to three thousand two hundred forty
7 hours.

8 (3) In order to provide flexibility to the local school districts
9 in the setting of their curricula, and in order to maintain the intent
10 of this legislation, which is to stress the instruction of basic skills
11 and work skills, any local school district may establish minimum course
12 mix percentages that deviate by up to five percentage points above or
13 below those minimums required by subsection (2) of this section, so
14 long as the total program hour requirement is still met.

15 (4) Nothing contained in subsection (2) of this section shall be
16 construed to require individual students to attend school for any
17 particular number of hours per day or to take any particular courses.

18 (5) Each school district's kindergarten through twelfth grade basic
19 educational program shall be accessible to all students who are five
20 years of age, as provided by RCW 28A.225.160, and less than twenty-one
21 years of age and shall consist of a minimum of one hundred eighty
22 school days per school year in such grades as are conducted by a school
23 district, and one hundred eighty half-days of instruction, or
24 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
25 school district may schedule the last five school days of the one
26 hundred and eighty day school year for noninstructional purposes in the
27 case of students who are graduating from high school, including, but
28 not limited to, the observance of graduation and early release from
29 school upon the request of a student, and all such students may be
30 claimed as a full time equivalent student to the extent they could
31 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
32 28A.150.260.

33 (6) The state board of education shall adopt rules to implement and
34 ensure compliance with the program requirements imposed by this
35 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
36 program approval requirements as the state board may establish:
37 PROVIDED, That each school district board of directors shall establish
38 the basis and means for determining and monitoring the district's
39 compliance with the basic skills and work skills percentage and course

1 requirements of this section. The certification of the board of
2 directors and the superintendent of a school district that the district
3 is in compliance with such basic skills and work skills requirements
4 may be accepted by the superintendent of public instruction and the
5 state board of education.

6 (7) Special education programs for students with disabilities,
7 vocational-technical institute programs, state institution and state
8 residential school programs, all of which programs are conducted for
9 the common school age, kindergarten through secondary school program
10 students encompassed by this section, shall be exempt from the basic
11 skills and work skills percentage and course requirements of this
12 section in order that the unique needs, abilities or limitations of
13 such students may be met.

14 ~~((8) Any school district may petition the state board of education
15 for a reduction in the total program hour offering requirements for one
16 or more of the grade level groupings specified in this section. The
17 state board of education shall grant all such petitions that are
18 accompanied by an assurance that the minimum total program hour
19 offering requirements in one or more other grade level groupings will
20 be exceeded concurrently by no less than the number of hours of the
21 reduction.))~~

22 NEW SECTION. Sec. 3. The following acts or parts of acts are each
23 repealed:

24 (1) RCW 28A.305.140 and 1992 c 141 s 302, 1990 c 33 s 267, & 1985
25 c 349 s 6;

26 (2) RCW 28A.305.145 and 1993 c 336 s 302; and

27 (3) RCW 28A.630.945 and 1995 c 208 s 1.

28 NEW SECTION. Sec. 4. A new section is added to chapter 28A.150
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 1 of this act,
31 waivers from the statutory requirements in this chapter that pertain to
32 the instructional program, operation, and management of schools.
33 Waivers also may be obtained, in accordance with section 1 of this act,
34 from any rules of the state board of education and superintendent of
35 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 1 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 1 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 1 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 1 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.175
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 1 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 1 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.180
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 1 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 1 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.185
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.210
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.225
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 1 of this act,
26 waivers from the statutory requirements in this chapter that pertain to
27 the instructional program, operation, and management of schools.
28 Waivers also may be obtained, in accordance with section 1 of this act,
29 from any rules of the state board of education and superintendent of
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.230
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 1 of this act,
34 waivers from the statutory requirements in this chapter that pertain to
35 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 1 of this act,
2 from any rules of the state board of education and superintendent of
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.235
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 1 of this act,
7 waivers from the statutory requirements in this chapter that pertain to
8 the instructional program, operation, and management of schools.
9 Waivers also may be obtained, in accordance with section 1 of this act,
10 from any rules of the state board of education and superintendent of
11 public instruction adopted to implement the statutory requirements.

12 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
13 RCW to read as follows:

14 Schools may obtain, in accordance with section 1 of this act,
15 waivers from the statutory requirements in this chapter that pertain to
16 the instructional program, operation, and management of schools.
17 Waivers also may be obtained, in accordance with section 1 of this act,
18 from any rules of the state board of education and superintendent of
19 public instruction adopted to implement the statutory requirements.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.305
21 RCW to read as follows:

22 Schools may obtain, in accordance with section 1 of this act,
23 waivers from the statutory requirements in this chapter that pertain to
24 the instructional program, operation, and management of schools.
25 Waivers also may be obtained, in accordance with section 1 of this act,
26 from any rules of the state board of education and superintendent of
27 public instruction adopted to implement the statutory requirements.

28 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.320
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 1 of this act,
31 waivers from the statutory requirements in this chapter that pertain to
32 the instructional program, operation, and management of schools.
33 Waivers also may be obtained, in accordance with section 1 of this act,
34 from any rules of the state board of education and superintendent of
35 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.330
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 1 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 1 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.400
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 1 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 1 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.405
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 1 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 1 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.410
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 1 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 1 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.600
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.605
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.640
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 25.** Section 2 of this act shall expire
24 September 1, 2000. However, section 2 of this act shall not expire if,
25 by September 1, 2000, a law is not enacted stating that a school
26 accountability and academic assessment system is not in place.

27 NEW SECTION. **Sec. 26.** This 1996 act shall not constitute an
28 alternative to Initiative 177.

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